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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,307	06/23/2003	Masumi Kubo	4034-36	7959
23117	7590	09/20/2005	EXAMINER	
NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			VU, PHU	
			ART UNIT	PAPER NUMBER
			2871	
DATE MAILED: 09/20/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/601,307

Applicant(s)

KUBO ET AL.

Examiner

Phu Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 16-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 16-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. It is hereby acknowledged that the following papers have been received and placed of record in the file: Remarks (dated 8/29/05), Amendment (dated 8/29/05),
2. Claims 1-13 and 16-19 are presented for examination.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection. Regarding the priority of the application since claim 1 includes subject matter not found in the parent application claim 1 and all of its dependent claims are treated as having a 6/23/2003 filing date and thus the priority from the parent application can not be granted. The subject matter found was "a polarity of a voltage applied across the liquid crystal layer in a first picture element region among the plurality of picture element regions is different from a polarity of a voltage applied across the liquid crystal layer in a second picture element region among the plurality of picture element regions that belongs to the same row as that of the first picture element region and belongs in each frame."

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claims 6-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

Applicant claims unit solid portions having particular shapes along with open regions. As per the applicant's specification a unit solid region is a region surrounded by openings. Applicant claims unit solid portions being circular, rectangular with arc shaped corners or having acute angle corners, all of which having openings being circular with rotational symmetry (as in claim 1). The configuration does not appear to be possible and applicant has failed to show any embodiment in the figures to show this limitation. For examining purposes they will be treated as having circular open regions with rotational symmetry.

### ***Claim Objections***

Claim 16 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 16 recites limitations found in claim 1.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-13 and 16-19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kubo US 20020036740 in view of Kim US 6342876.**

**Regarding claims 1, 3, 4 and 6-8,** Kubo teaches liquid crystal display device, comprising: a first substrate (fig. 1B element 100a); a second substrate (100b); and a liquid crystal layer (3) provided between the first substrate and the second substrate, wherein: a plurality of picture element regions (see fig. 9A) are defined each by a first electrode (fig. 1B and 9 elements 14b and 14b') provided on one side of the first substrate that is closer to the liquid crystal layer and a second electrode (fig. 1B element 22) provided on the second substrate so as to oppose the first electrode via the liquid crystal layer therebetween; the first electrode includes, in each of the plurality of picture element regions (see fig 9), a plurality of unit solid portions (fig. 9 14b and 14b') arranged in a first direction , whereby the liquid crystal layer takes a vertical alignment (see abstract) in the absence of an applied voltage between the first electrode and the second electrode, and forms a plurality of liquid crystal domains (see abstract) in the plurality of unit solid portions of the first electrode by inclined electric fields produced around the plurality of unit solid portions in response to a voltage applied between the first electrode and the second electrode, each of the plurality of liquid crystal domains taking a radially-inclined orientation (see abstract); the plurality of picture element regions are arranged in a matrix pattern (see fig. 9) including a plurality of rows (see fig. 9) extending in the second direction different from the first direction and a plurality of columns extending in the first direction (see fig. 9). Kubo also teaches the first substrate including a plurality of open regions that do not overlap with the first electrode, and a when voltage is applied between the first electrode and the second electrode, the liquid crystal layer forms a plurality of additional liquid crystal domains in the plurality of

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open regions by inclined electric fields, each of the additional liquid crystal domains taking a radially inclined orientation (see [0008]), wherein at the plurality of open regions have substantially the same shape and size (see fig. 9 element 14a) and wherein at least some of the plurality of unit lattices are arranged so as to have rotational symmetry (see fig. 9) and wherein at least some of the plurality of open regions have a generally circular shape.

Kubo fails to teach a polarity of a voltage applied across the liquid crystal layer in a first picture element region among the plurality of picture element regions is different from a polarity of a voltage applied across the liquid crystal layer in a second picture element region among the plurality of picture element regions that belongs to the same row as that of the first picture element region and belongs to a column adjacent to a column to which the first picture element region belongs in each frame and wherein the polarity of voltage applied across the LC layer in a plurality of picture element regions belonging to one column among the plurality of picture element regions is reversed for every  $n$  rows (where  $n$  is an integer of 1 or more) in each frame and wherein a polarity of voltage applied across the liquid crystal layer in a third picture element belongs to the same column as that of the first picture element region and belongs to a row adjacent to a row in which the first picture element belongs in each frame.

Kim US Patent 6342876, discloses a polarity of a voltage applied across the liquid crystal layer in a first picture element region among the plurality of picture element regions is different from a polarity of a voltage applied across the liquid crystal layer in a second picture element region among the plurality of picture element regions that

belongs to the same row as that of the first picture element region and belongs to a column adjacent to a column to which the first picture element region belongs (see figure 9C and 9D) and also teaches the polarity of voltage applied across the LC layer in a plurality of picture element regions belonging to one column is reversed from every N rows where N is 1 or greater (see fig. 9C and 9D). Kim also teaches the polarity of voltage applied across the LC layer in the first picture element region is different from the LC polarity of a voltage applied across the LC layer in a third picture element that belongs in a same column as that of the first picture element region and belongs to a row adjacent to a row to which the first picture element region belongs in each from (see fig. 9C and 9D). Kim teaches that this driving scheme suppresses flicker and improves aperture ratio, which leads to and improved picture quality (contrast) (see column 5 lines 19-41). Therefore, at the time of the invention it would have been obvious to one of ordinary skill in the art to apply the polarity inversion driving technique of Kim to suppress flicker, improve aperture ration and improve contrast and picture quality.

**Regarding claim 2,** Kubo teaches the plurality of picture element regions each have a shape whose longitudinal direction is defined in the first direction and whose width direction is defined in a second direction (see fig. 9).

**Regarding claim 5,** the primary reference discloses unit solid portions have rotational symmetry (see fig. 9 element 14b and 14b').

**Regarding claims 9 -12,** Kubo teaches the second substrate includes a region corresponding to one of the plurality of liquid crystal domains, an orientation-regulating protrusion that exerts an orientation regulating force for orienting liquid crystal

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molecules in at least one liquid crystal domain into a radially inclined orientation at least in the presence of voltage that appears to be in a region in the center of at least one domain that orients the liquid crystal layer in the absence of voltage ([0241] and see fig. 30 element 24 and see fig. 32).

**Regarding claim 13**, the protrusion defines the thickness of the LC layer because it extends into the LC layer (see fig. 30 element 24) therefore the LC layer will be thinner where the protrusion is.

**Regarding claims 16 and 17**, the primary reference teaches the open regions having rotational symmetry and circular shape (see claim 1 rejection).

**Regarding claim 18**, claim 1 includes all the limitations of claim 18 except aside surface of the protrusion exert an orientation regulating force of the same direction of orientation regulation by the inclined electric field however Kubo teaches this (see [0015]).

**Regarding claim 19**, the primary reference teaches a plurality of switch elements ([0044]) for a plurality of picture element regions, and the first electrode comprises a plurality of picture element electrodes (fig. 1B14b 14b') provided respectively for the plurality of picture element regions and the first electrode comprises a plurality of picture element electrodes ([0044]) provided respectively for the plurality of picture element regions and the second electrode ([0044]) is at least one counter electrode opposing the plurality of picture element electrodes.

***Terminal Disclaimer***



The terminal disclaimer filed on 12/29/2004 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of Ahiro US Patent No. 6,710,825 has been reviewed and is accepted. The terminal disclaimer has been recorded.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phu Vu whose telephone number is (571)-272-1562. The examiner can normally be reached on 8AM-5PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Kim can be reached on (571)-272-2293. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phu Vu  
Examiner  
AU 2871



**DUNG T. NGUYEN**  
**PRIMARY EXAMINER**

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